

AN ORDINANCE

06-O-2568

BY COUNCILMEMBER CLAIR MULLER

AUTHORIZING THE MAYOR OR HER DESIGNEE TO TRANSFER THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CODE OF ORDINANCES FOR THE RESIDENTIAL SUBDIVISION SD-06-66 LOCATED AT 1745, 1753 & 1775 WEST WESLEY ROAD, NW, TO THEN CONSTRUCT 1,270 LINEAR FEET OF 5' SIDEWALK AND CURBING ALONG THE SOUTH SIDE OF WEST WESLEY DRIVE NW., THAT SECTION BETWEEN MARGARET MITCHELL DRIVE AND SEQUOYAH DRIVE; NW; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the application of Larry Mansfield. for the Subdivision SD-06-66 located at 1745, 1753 & 1775 West Wesley Road, NW, the developer is required to comply with the provisions of Section 15-09.003 of the Code of Ordinances to provide sidewalks; and

WHEREAS, the construction of sidewalks and curbing along the frontage of 1745, 1753 & 1775 West Wesley Road, NW would adversely affect the appearance and character of the neighborhood due to the lack of existing sidewalks along West Wesley Road, NW; and

WHEREAS, the intersection of Margaret Mitchell Drive and Sequoyah Drive is not only heavily trafficked with vehicles but also by joggers, walkers, and mothers with baby strollers; and

WHEREAS, residents living along West Wesley Road and other streets near Atlanta Memorial Park utilize the portion of Peachtree Battle between Margaret Mitchell Drive and Sequoyah Drive as part of their walking or running course around and near the park; and

WHEREAS, this segment of West Wesley Road is also without curbing, so the earth is very unstable at this location, which causes soil to erode and mud to run into the street and storm drains during rainstorms; and

WHEREAS, because of eminent safety concerns on West Wesley Road, sidewalks particularly along the south side between Margaret Mitchell Drive and Sequoyah Drive, are an immediate priority; therefore, in lieu of sidewalks for 1745, 1753 & 1775 West Wesley Road, NW, these sidewalks and curbing should be constructed along that segment of West Wesley Road between Margaret Mitchell Drive and Sequoyah Drive.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the requirements of Section 15-09.003 of the Code of Ordinances are hereby transferred for the construction of 1,270 linear feet of 5' sidewalk and curbing that would have been constructed for SD-06-66 at 1745, 1753 & 1775 West Wesley Road, NW shall be constructed along West Wesley Road between Margaret Mitchell Drive and Sequoyah Drive.

SECTION 2: That all other requirements of the Code of Ordinances for the 1745, 1753 & 1775 West Wesley Road, NW subdivision shall remain in full force and effect.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.